



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 7
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, MI 48226

Agency Website: www.nlrb.gov
Telephone: (313)226-3200
Fax: (313)226-2090

March 16, 2021

(b) (6), (b) (7)(C)

Re: United States Postal Service
Case 07-CA-268858

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that United States Postal Service has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge, alleging that the Employer violated Sections 8(a)(1)(3) and (4) by improperly contacting an arbitrator of a grievance and otherwise interfering with the grievance and arbitration process has been carefully investigated and considered. The evidence adduced during the investigation demonstrated that, pursuant to the parties' contractual grievance/arbitration procedure, a grievance was scheduled to be heard by an arbitrator in February 2020. After several postponement attempts, the arbitrator ultimately denied the Union's grievance without a hearing in September 2020.

There was no evidence adduced during the investigation to suggest that the Employer interfered with the contractual process, interfered with or coerced you or other employees in the exercise of Section 7 rights or otherwise discriminated against you or other employees in retaliation for union or protected concerted activities. Instead, the evidence showed that the Union has a dispute regarding the mechanics of the grievance and arbitration procedure, which is appropriately addressed and remedied via the parties mutually agreed upon contractual procedures. As there was no evidence that the Employer violated the Act, further processing of your charge is unwarranted.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **March 30, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 29, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 30, 2021**. The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 30, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



Terry Morgan
Regional Director

Enclosure

cc: Roderick D. Eves, Deputy Managing
Counsel

United States Postal Service
1720 Market Street, Room 2400
Law Department - NLRB Unit
St. Louis, MO 63155-9989

Deborah Pagan, Labor Specialist
United States Postal Service
P.O. Box 999997
Grand Rapids, MI 49599-9997

Tonya L. Kennish, NLRB Specialist
United States Postal Service
1720 Market St Rm 2400
Saint Louis, MO 63155-9915

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

March 30, 2021

(b) (6), (b) (7)(C)

Re: United States Postal Service
Case 07-CA-268858

Dear (b) (6), (b) (7)(C):

We are granting your request for an extension of time to file an appeal to April 30, 2021. As fully explained in the Region's dismissal letter, you **must file** your appeal electronically. If you cannot file electronically, unless already provided to the Region, please provide a written statement explaining why electronic submission is not possible or feasible. With your appeal, you are encouraged to also submit a complete statement of the facts and reasons why you believe the decision was incorrect. **Do not fax or email your appeal.** The Office of Appeals will not process faxed or emailed appeals.

Instructions on how to file your appeal electronically through the Agency's e-filing system can be found on the Agency's website www.nlrb.gov. If you choose to e-file your appeal, remember to allow enough time to complete the e-filing process by 11:59 pm (E.T.) on April 30, 2021. Otherwise, your appeal will be late.

- 1) Click on E-File documents;
- 2) Enter your NLRB Case Number; and,
- 3) Follow the detailed instructions.

If you cannot file your appeal electronically, please send the appeal and your written explanation of why you cannot file electronically to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to the Regional Director. Your appeal will be timely if it is postmarked or given to a delivery service no later than April 29, 2021. If your appeal is postmarked or given to a delivery service on the due date or after, this office will reject it as untimely. If hand delivered, an appeal must be received by the

General Counsel in Washington, D.C. by 5:00 p.m. E.T. on the appeal due date.

Sincerely,

Peter Sung Ohr
Acting General Counsel



By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: TERRY MORGAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
PATRICK V. MCNAMARA FEDERAL
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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

June 2, 2021

(b) (6), (b) (7)(C)

Re: United States Postal Service
Case 07-CA-268858

Dear (b) (6), (b) (7)(C):

By letter dated March 30, 2021, we granted you an extension to file an appeal by April 30, 2021. That date has now passed, and this office received no appeal. Accordingly, we have closed this matter in our office.

Sincerely,

Peter Sung Ohr
Acting General Counsel

A handwritten signature in black ink, reading "Mark E. Arbesfeld", is positioned above the typed name of the Director.

By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: TERRY MORGAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
PATRICK V. MCNAMARA FEDERAL
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